

REMARKS

Claims 1 and 3-8 have been examined. Claims 1 and 8 have been rejected under 35 U.S.C. § 102(e) and claims 3, 5 and 7 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claim 4 is allowed, and claim 6 contains allowable subject matter.

I. Rejections under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1 and 8 under 35 U.S.C. § 102(e) as allegedly being anticipated by *newly cited* U.S. Patent No. 6,404,720 to Inoue (“Inoue”).

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a locking device for locking an open and close operation of the open and close device. The open and close operation is locked whether or not a recording medium is provided in the medium container. Further, the condition of locking the open and close operation is maintained when an external force, other than an opening force provided by the driving device, acts on the open and close device. For example, as disclosed in the non-limiting embodiment on pg. 20, line 22 to pg. 22, line 23, the lock condition is maintained unless switches 9 and 10 are used to respectively open the door or close the door. Such non-limiting embodiment prevents insertion of the recording medium when the mechanical body is not ready to receive the medium, which prevents a malfunction by an erroneous insertion.

Applicant submits that Inoue fails to teach or suggest the above features. For example, the door 21 of Inoue is pushed by the spring 34 only in a direction of closing (col. 11, lines 25-27; col. 14, lines 18-22). When a user wants to insert a medium, the user merely pushes the medium against the door 21 and the door will open if no recording medium is already inside the device (col. 13, lines 43-49). If a recording medium is already inside the device, a lock device 91 prevents the door 21 from being opened (col. 14, lines 23-36).

Thus, Inoue relates to an apparatus for preventing insertion of another medium into the device in which a medium already exists. Therefore, contrary to the recitations of claim 1, Inoue does not maintain a locked condition, whether or not a recording medium is provided in the device, when acted upon by an external force, other than an opening force provided by a driving device. Rather, as set forth above, the external force of the recording medium being pressed upon the door 21 allows the door to be opened, and the lock device 91 is not activated until the medium is already in the device.

In view of the above, Applicant submits that claim 1 is patentable over the cited reference and respectfully requests the Examiner to withdraw the rejection.

B. Claim 8

Claim 8 recites that the lock is released when the door is moved to an open position.

The Examiner maintains that Inoue discloses the above features. However, the reference discloses that the lock 91 is released first, before the door is able to move to an open position.

For example, when ejecting the disk cartridge 1, the upper base plate 47, of which the door locking means 91 is attached, is vertically raised from a lower position to an upper position to release the door locking means 91 from portions 24a of the front door 21 (col. 14, lines 47-54). With the rising motion of the base plate 47, the front door 21 rotates to an open position (col. 14, lines 54-66).

In view of the above, Applicant submits that the front door 21 is not opened until the lock 91 is released, which is contrary to the recitations of claim 8 (i.e., that the lock is released *when* the door is moved to an open position).

Accordingly, Applicant submits that claim 8 is patentable over the cited reference.

II. Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 3, 5 and 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,690,528 to Kusumi et al. ("Kusumi") in view of Inoue.

A. Claim 3

Since claim 3 contains features that are analogous to the features recited in claim 1, Applicant submits that claim 3 is patentable over Inoue for at least analogous reasons as presented above.

In addition, Applicant submits that Kusumi fails to cure the deficient teachings of Inoue. For example, similar to Applicant's comments regarding Inoue, Kusumi also discloses that the

door 23 can be opened by an external force when no medium exists in the apparatus (col. 8, line 36 to col. 9, line 58).

Accordingly, Applicant submits that claim 3 is patentable over the cited references and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claim 5

Applicant submits that claim 5 is patentable over the cited references. For example, claim 5 recites a gear that rotates when the door opens or closes. Further, the lock comprises a cam that rotates with the gear when the gear is driven to rotate.

The Examiner has listed claim 5 in the rejections in view of Kusumi and Inoue, however, has not provided any specific comments regarding the cam feature recited above. Applicant submits that neither of the cited references shows such a feature. For example, as set forth in the June 30, 2004 Amendment, the wheel gear 57 of Kusumi forms a gear train with the worm gear 58 and the door gear 56, such that the wheel gear 57 does not teach or suggest the claimed lock.

Further, in the current Office Action, the Examiner maintains that locking device 91 of Inoue discloses the claimed lock. However, locking device 91 fails to teach or suggest a cam that rotates with a gear *when* the gear is driven to rotate when the door 21 opens and closes. As set forth above in Applicant's comments for claim 8, the front door 21 is not opened until the lock 91 is released. Therefore, the locking device 91 cannot teach a cam that rotates *when* a gear is driven to rotate the front door 21.

In addition, Inoue merely discloses that the lock 91 comprises a front lower end portion of the upper base plate 47 (col. 14, lines 43-45). Thus, lock 91 does not disclose the claimed cam.

Accordingly, Applicant submits that claim 5 is patentable over the cited reference, and respectfully requests the Examiner to withdraw the rejection.

C. Claim 7

Since claim 7 is dependent upon claim 5, Applicant submits that such claim is patentable at least by virtue of its dependency.

III. Allowable Subject Matter

As set forth above, the Examiner has indicated that claim 4 is allowed, and claim 6 contains allowable subject matter, but is objected to as being dependent upon a rejected base claim.

IV. Newly Added Claim

Applicant has added claim 9 to provide more varied protection for the present invention.

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 10/072,915

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

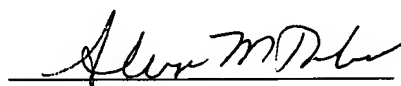
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